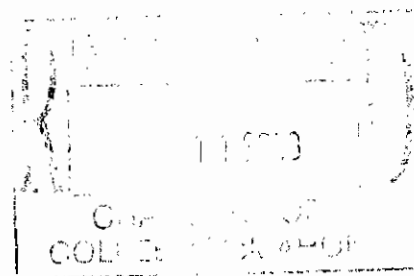


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April 11, 2008

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Honorable Colleen McMahon  
 United States District Judge  
 United States Courthouse  
 500 Pearl Street  
 New York, New York 10007

**JOINT APPLICATION**

**MEMO ENDORSED**

Re: Mitsui Sumitomo Insurance Co. Ltd.  
 v. Evergreen Marine Corp. *et ano*  
 07 Civ. 3874(CM)  
 Our Ref.: 7MSI-1491

*Db*

*Colleen McMahon*  
4/14/08

Dear McMahon:

I represent the plaintiff in this action which involves a claim for cargo damage arising from a derailment. Plaintiff's motion and defendants' cross-motion for partial summary judgment have been fully submitted. The undisputed facts set forth in the motions, which include a liability stipulation by defendant Union Pacific Railroad, should significantly narrow the issues to be adjudicated by the Court. With this in mind, counsel join in respectfully requesting that the April 25, 2008 deadline for submission of the joint pre-trial order be adjourned *sine die* pending a decision on the pending motions.

If the Court is not willing to adjourn the deadline on a *sine die* basis, counsel join in respectfully requesting a thirty-day extension of the deadline for the joint pre-trial order up to and including May 27, 2008. The Court's attention is appreciated.

Respectfully,

*[Signature]*  
David L. Mazaroli

cc: Barry N. Gutterman, Esq.  
 (via e-mail: [BNGASSC@aol.com](mailto:BNGASSC@aol.com) w/encl.)